



# ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

1021 NORTH GRAND AVENUE EAST, P.O. BOX 19276, SPRINGFIELD, ILLINOIS 62794-9276 • (217) 782-3397

JB PRITZKER, GOVERNOR

JOHN J. KIM, DIRECTOR

217-524-3300

November 6, 2019

CERTIFIED MAIL# 7017 2680 0001 0208 6509  
RETURN RECEIPT REQUESTED

American Nickel Works  
Attn: Robert G. Schultz Jr  
1223 W Lake St  
Chicago, Illinois 60607

Re: **Amended Executed Compliance Commitment Agreement**  
Violation Notice: L-2019-00137  
LPC#0316285060 – Cook County  
Chicago/American Nickel Works  
Compliance File

Dear Addressee name:

Attached to this letter is a signed and fully executed copy of the Compliance Commitment Agreement ("CCA") for your records. The CCA between Company name and the Illinois Environmental Protection Agency became effective on October 9, 2019. On November 4, 2019 we received a letter to change the Executed CCA. Please sign and return the amended CCA. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act, and the Board Regulations.

If you should have any questions regarding this matter, please contact me at the number above or email me at [james.m.jennings@illinois.gov](mailto:james.m.jennings@illinois.gov).

Sincerely,

James Jennings, Manager  
Waste Reduction and Compliance Section  
Bureau of Land

cc: Bureau File

IEPA - DIVISION OF RECORDS MANAGEMENT  
RELEASABLE

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REVIEWER: JMR

4302 N. Main Street, Rockford, IL 61103 (815) 987-7760  
595 S. State Street, Elgin, IL 60123 (847) 608-3131  
2125 S. First Street, Champaign, IL 61820 (217) 278-5800  
2009 Mall Street Collinsville, IL 62234 (618) 346-5120

9511 Harrison Street, Des Plaines, IL 60016 (847) 294-4000  
412 SW Washington Street, Suite D, Peoria, IL 61602 (309) 671-3022  
2309 W. Main Street, Suite 116, Marion, IL 62959 (618) 993-7200  
100 W. Randolph Street, Suite 4-500, Chicago, IL 60601

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF:

American Nickel Works  
Chicago / Cook County  
LPC#0316285060

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ILLINOIS EPA VN L-2019-00137  
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**COMPLIANCE COMMITMENT AGREEMENT**

**I. Jurisdiction**

1. This Compliance Commitment Agreement ("CCA") is entered into voluntarily by the Illinois Environmental Protection Agency ("Illinois EPA") and American Nickel Works ("Respondent") (collectively, the "Parties") under the authority vested in the Illinois EPA pursuant to Section 31(a)(7)(i) of the Illinois Environmental Protection Act ("the Act"). 415 ILCS 5/31(a)(7)(i).

**II. Alleged Violations**

2. Respondent owns and operates an electric plating shop located at 1223 West Lake Street in Chicago, Illinois ("the subject property"). On February 21, 2019, a release caused by a fire was reported to the Illinois Emergency Management Agency. Thereafter, information related to the release was forwarded to the Illinois EPA. Pursuant to Violation Notice L-2019-00137 ("the VN"), issued on May 22, 2019, the Illinois EPA contends that Respondent has violated the following provisions of the Act:
  - a) 415 ILCS 5/12(a);
  - b) 415 ILCS 5/12(d);
  - c) 415 ILCS 5/21(a);
  - d) 415 ILCS 5/21(d)(1);
  - e) 415 ILCS 5/21(e); and
  - f) 415 ILCS 5/21(p)(1).

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**III. Compliance Activities**

3. On July 17 and August 15, 2019, the Illinois EPA received Respondent's responses to the VN, which included proposed terms for a CCA. The Illinois EPA has reviewed

Respondent's proposed CCA terms and considered whether any additional terms and conditions are necessary to address the alleged violations set forth in the VN.

4. On October 8, 2019, the Illinois EPA received Respondent's acceptance of the CCA and a response requesting to amend the CCA, once executed. On October 9, 2019, the Illinois EPA executed the CCA and reviewed Respondent's proposed terms to amend the executed CCA.
5. By signing this CCA, Respondent certifies that, as of the date of execution of this amended CCA, Respondent has conducted an incident causation investigation at the subject property, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN.
6. Respondent agrees to undertake and complete the following actions, which the Illinois EPA has determined are necessary to address the alleged violations set forth in the VN:
  - a) Soil & Groundwater Contamination and Remedial Options. Within 90 days of execution of this CCA, Respondent will conduct additional investigation of the subject property to determine the nature and extent of the soil contamination and groundwater contamination related to the release.
  - b) Waste Sampling and Determination. Within 90 calendar days of execution of this CCA, Respondent will:
    - i) Develop and initiate a waste sampling plan for the fire debris and submit this plan report to the Illinois EPA;
    - ii) Conduct a hazardous waste and special waste determination on fire debris located at the subject property; and
    - iii) Submit a copy of the completed test results for fire debris (conducted by a certified laboratory) to the Illinois EPA.
  - c) Illinois Site Remediation Program. Within 120 calendar days of execution of this CCA or as soon as practicable following the completion of demolition work at the subject property, whichever is earlier, Respondent will enroll in the Site Remediation Program ("SRP").
  - d) Final Remedial Action Completion Report. Within 365 calendar days of execution of this CCA,
    - i) Respondent will undertake necessary remedial activities to ensure compliance with the applicable substantive and procedural requirements of 35 Ill. Adm. Code 740 and the achievement of relevant remediation objectives, in accordance with 35 Ill. Adm. Code 742.

- ii) Respondent will submit to the Illinois EPA a Remedial Action Completion Report ("RACR") that addresses the contaminants of concern identified at the subject property that provides the Illinois EPA sufficient information to issue a No Further Remediation ("NFR") letter for the subject property.
- e) **Recordkeeping.** Within 120 calendar days of execution of this CCA and continuing monthly thereafter until compliance is achieved, Respondent must submit copies of records reflecting remedial actions undertaken to address the above-referenced violations, including but not limited to waste sampling plan for fire debris, waste determination test results for fire debris, soil investigation report, groundwater investigation report, final RACR, photographs of action taken, and any other related documents or records, to:

*Illinois EPA Des Plaines Regional Office  
Attn: Charlene Thigpen  
9511 West Harrison Street  
Des Plaines, Illinois 60016*

#### **IV. Terms and Conditions**

- 7. Respondent shall comply with all provisions of this CCA, including, but not limited to, any appendices to this CCA and all documents incorporated by reference into this CCA. Pursuant to Section 31(a)(10) of the Act, if Respondent complies with the terms of this CCA, the Illinois EPA shall not refer the alleged violations that are the subject of this CCA, as described in Section II above, to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred. Pursuant to Section 31(a)(7.6) of the Act, successful completion of the Compliance Activities identified in Section III of this CCA or an amended CCA shall be a factor to be weighed in favor of the Respondent by the Office of the Illinois Attorney General in determining whether to file a complaint on its own motion for the violations alleged in the VN.
- 8. This CCA is solely intended to address the violations alleged in the VN. The Illinois EPA reserves, and this CCA is without prejudice to, all rights of the Illinois EPA against Respondent with respect to noncompliance with any term of this CCA, as well as to all other matters. Nothing in this CCA is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the Illinois EPA may have against Respondent, or any other person as defined by Section 3.315 of the Act. This CCA in no way affects the responsibilities of Respondent to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.
- 9. Pursuant to Section 42(k) of the Act, Respondent shall be liable for an additional civil penalty of \$2,000 for violation of any of the terms or conditions of this CCA, in addition to any other remedy or penalty that may apply, whether civil or criminal.

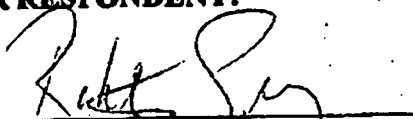
10. This CCA shall apply to and be binding upon the Illinois EPA and on Respondent and Respondent's officers, directors, employees, agents, successors, assigns, heirs, trustees, receivers, and upon all persons, including but not limited to contractors and consultants, acting on behalf of Respondent, as well as upon subsequent purchasers of Respondent's business or property.
11. In any action by the Illinois EPA to enforce the terms of this CCA, Respondent consents to and agrees not to contest the authority or jurisdiction of the Illinois EPA to enter into or enforce this CCA, and agrees not to contest the validity of this CCA or its terms and conditions.
12. This CCA shall only become effective:
- a) If, within 30 days of receipt, Respondent executes this CCA and submits it, via certified mail, to:  
  
James Jennings  
Manager, Waste Reduction and Compliance Section  
Illinois EPA  
1021 North Grand Ave. East  
Springfield, Illinois 62794  
  
and
  - b) Upon execution by all Parties.
- If Respondent fails to execute and submit this CCA to the Illinois EPA by certified mail within 30 days of receipt, this CCA shall be deemed rejected by operation of law.
13. Pursuant to Section 31(a)(7.5) of the Act, this CCA shall not be amended or modified prior to execution by the Parties. Any amendment or modification to this CCA by Respondent prior to execution by all Parties shall be considered a rejection of the CCA by operation of law. This CCA may only be amended subsequent to its effective date, in writing, and by mutual agreement between the Illinois EPA and Respondent's signatory to this CCA, Respondent's legal representative, or Respondent's agent.

**[SIGNATURES APPEAR ON THE FOLLOWING PAGE]**

**AGREED:**

**FOR RESPONDENT:**

BY:



Signature of Respondent or  
Authorized Representative

DATE:

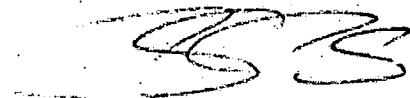
10/30/2019

Robert Schultz Sr. CEO

Print or Type Name of Respondent  
or Authorized Representative and Title

**FOR THE ILLINOIS ENVIRONMENTAL PROTECTION AGENCY:**

BY:



James Jennings, Manager  
Waste Reduction and Compliance Section  
Bureau of Land

DATE:

11/5/19